Ch 214-19 (1-6)
" 2-1886 (1-9)
" App. F. IX-4.
" 514-11 (1-2)
" 172-12-1
" 64-12 (1-3)
Previous references.
" 32-12-1

Preserve

1923.

(Courts)

File No. 110-23

Serial Nos. 1-4

Later references.
Ch 174-28 (1-7)
Ch 1284-28
385-32
Ch 130-36 (1-2)

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4

Part B for September 1926

SUBJECT

Re execution of ex parte decrees passed in the Mysore State and in the C & M. Stations of Bangalore

---

No 7084 of 17-8-26 From the Secretary to Govt Re judgt

States that the Courts of India are of opinion that the courts in the State and in the C & M. stations are foreign courts and as such the objection in view can be given effect to only by Special legislation which will be opposed to the general principles laid down in the Faridkot case and adds that there is no practical remedy for the difficulties alluded to.

Ramaswamy Iyengar
21/9/26

Previous references.

1915

Agriculture

File No. 14-15

Serial Nos. 41-57

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 41-57

Part B. for January 1916.

SUBJECT

Statement of daily Rainfall during Sept 1915 from all the 8 Districts

---

To The H. H. Resident P.N. 734 & 25.1.16

Forwards the statements for Sept 15

G. R. S. 58

GPB—[illegible]-1-15.

Statistician
28-1-16

(1)

G. R. S. III-21

General and Revenue Secretariat.

CS File No. 110 of 1924

Serial No. 4929

13957/1

PROTECTION—(Judicial.)

(No. 5.)

(1) *Summary of Representation.*—There are no facilities at present to execute in British India the decrees passed by the Civil Courts of the State and *vice versa*. This is a source of considerable inconvenience and loss to the merchants of the State and British India. It is therefore prayed that necessary facilities may be created in this direction.

Note.—Not discussed owing to the absence of the proposer.

SUBJECT No. 5.

Execution in British India of decrees passed by Civil Courts of the State and *vice versa*.

Mr. A. Srikantappa, Bangalore District Board.

(2) A similar subject was brought up for discussion in the other session of R.A. of 1923. But during the discussion it turned out that the decrees of foreign courts are executed in mysore without taking into account whether they are Exparte decrees or not. It does not touch this subject.

(3) In the legislature Council a similar resolution was brought up and a copy of the Resolution together with the speech of the mover and the reply of govt are as put up.

Recently reciprocity has been granted for the Collection of revenue demands between the Station and the State. It may perhaps be tried that reciprocity in the execution of decrees between the Station and the City (Mysore State)

de legis 33 of 22-3 linked

NOTE—Contn. sheet.

1395/P (12

G. R. S. III-21

General and Revenue Secretariat. CS File No. 110 of 1924

Serial No.

(5) A draft is also submitted for consideration & orders

8/4 (6) Submitted for orders.

AS 8/4 (7) Mean type as revised

cag 8/4

(8) Gives into a typed draft - For consideration & orders

20/6/25

cag 24/4

(9) It is a settled principle of law that in a personal action a decree pronounced by a Court of Foreign State in absentum the absent party not having submitted himself to its authority is by International Law a nullity. (see 22. Cal.222 P.C.).

(10) A decree of a competent court derives its validity on the legal conception that it embodies the agreement between the parties, settled by a tribunal established by the Sovereign to whom the parties owe their allegiance. In other words, the subjects are bound by decisions of the Courts established by their Sovereign. They are not bound by the decision of any Court not established by their Sovereign unless they voluntarily submit to the jurisdiction of such a Court. The principle seems to be based on the ground that it is the inherent right of a citizen that his cause should

NOTE—Contn. sheet.

Serial No.

should be tried by a tribunal properly appointed by the constitutional authority of his country. This is considered a valuable right by every ~~~~~~~~ civilised person.

(11) In the present case it is proposed that an Ex-parte decree pronounced especially by a Court in C & M.Station over a Mysore subject should be a valid decree and not a nullity. Hence the inherent right of a Mysore subject that his action should be tried by a Court established by his Sovereign, is proposed to be taken away and that a Court established by the Governor General in Council and not by the Indian Legislature, should have jurisdiction over the Mysore subject. I venture to submit that the valuable right of a subject should not so lightly be treated. In the first place the Courts in C & M Station occupy a peculiar position. There is no High Court in C & M Station The Hon'ble the British Resident performs the functions of a High Court. The subjects may not have the same confidence as they would have if their causes are to be disposed of in appeal by a Bench consisting ordinarily of two trained Judges of the High Court. There is also a provision for a Full Bench consisting of more than two Judges to hear such appeals. There has been a feeling of discontentment among the litigant population of C & M Station regarding the administration of Civil justice by the Courts there.

NOTE—Contn. sheet.

Serial No.

2) They much prefer to have their appeals being heard by the High Court of Madras. It may therefore be found undesirable for the subjects of ~~one~~ our State to submit themselves to the jurisdiction of such Courts.

3) Secondly the constitution of these Courts may be changed by the Governor-General in Council, and thirdly there is no advantage in surrendering such a valuable right.

4) The alleged disadvantages urged by Mr.M. Ramachandra Rao are not more serious than surrendering an invaluable right of a subject. Technically the proposal if accepted would make a decree which is a nullity according to accepted principles by comity of nations, a valid one. I therefore submit for serious consideration whether it is not advisable to drop the matter altogether or defer taking any action until the matter is placed before the new Representative Assembly to ascertain their opinion. I may also add that I entertain serious doubt whether a sound Lawyer like the present Viceroy would consider the proposal favourably even if it is submitted by the British Resident.

Fish Number

8888/24/2

8.4 23/11

5) the C & M status in a position ~~to~~ ~~his~~ Negroes status and ~~his~~ inhabitants ~~his~~

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

8395

C/5 File No. 110 of 1928

Serial No.	
	Re Negroes subject - the principle of nationality law may not be made should it be the case
	16) The Residency was requested from the Maharaja and it has declined to do so whether a further attempt in the case is to be pursued for consideration - Hon'ble Dewan's advice in making such an attempt.
	17) Please submit draft Dewan 3/12
	Dewan 4.12
	5) May be caused after reading of the Report and applications should be relayed by legislative measures in the Legislature
C5 8/12/28	Chief Sec't with Compts

DEWAN'S OFFICE.
Recd. on DEC 5 1928
Reg. No. 3651

NOTE—Contn. sheet.

C 2304
1923-24

Subject-

Draft letter to the Residency re facilities to execute decrees, passed by the civil courts of the State, in British India.

OPINION OF THE COUNCIL.

G. R. S. III-2]

1395 (7)
7

General and Revenue Secretariat. | CS File No. 110 of 1923

Serial No.	
23)	Sntw: write a draft
	Se 21/2/24 24) Put up a typed draft as revised. 6/8
	25) draft is submitted for approval & ref to the Council resolution para 22 above. 2/8.
125-8 8.8.24	Ldr Reg — 1st Member 7.8
	26) The last portion marked in red pencil in the draft: It is not apparent the grounds the Chief Comm. & Agent. should be stated in his letter that Residency closed the 25th July 1920. 7.8
	27) I will simply ask for a reminder the question in the pending correspondence pending receipt of the personal opinion I had in Bangalore. 12/8. 13/8.

NOTE—Contn. sheet.

G. R. S. III-2]

1395-P-23

General and Revenue Secretariat. — File No. 110 of 1924

Serial No.

Subd.

28) Unnecessary sentences may be omitted & the draft ~~with the~~ altered Corrected.

29) Submitted with reference to ~~Member~~ Member's note

vide para 26 above

8/ 18.8.24 Init

30) The opinion of the Legal Adviser is against that suggested & to take the views of the Govt. The particular sentences or the whole para may be deleted.

Lindsay
1st Member

16/2 21.8.24

28/ 18/8

8/ 19/8

8/ 19/8

31) Khyber Mission may be informed of the proposal of India. Does the Secretary desire to discuss the question with the Secretary

Subd
15/5

8/ 26.8.

26.8.

2333/1924

Subd.

8/ 26.8.24 Init

32) Has a discussion with the Secretary & a revised draft is submitted as per personal instructions.

are typing the approved as revised

Revised typed

33) Submitted: The revised draft is for approval:

Lindsay

34) Approved

Secretary

35) Approved

Secretary

36) Approved

Secretary

28/ 10/9

8/ 10/9

8/ 10/9

8

G. R. S. III-2]

139 P 1923

General and Revenue Secretariat.

Cb File No. 110 of 1923-4

Serial No.	
1	To the Secy to the Resident No Pol 269 dt 17-9-24 Requests that the Hon'ble the Resident may be moved to reconsider the question and approach the Govt of India in the matter of reciprocity regarding execution of exparte decrees between the Cantonments and the state with a view to remove the inconvenience and unnecessary expense involved in the present arrangement and complained of in the Rep. respectfully and beg Council.
2	From The Secy to the Resident Letter no 8982/726-1885 dt 13-11-24 States that nine exparte decrees of the Mysore Courts were executed by the District Court of the Civil and Military station in the 1918-19 and that no complaints were received of an abuse of jurisdictions and enquires whether the Mysore Govt think it worth while for them and the Govt of India to undertake the special legislation which the proposal would render necessary. It is respectfully submitted that without the necessary legislation the execution of the

NOTE—Contn. sheet.

4220 10 (10

General and Revenue Secretariat.

15 File No. 110 of 19 24.

Serial No.

ex parte decrees of one court by the other will not be legal. Hence legislation seems necessary, at least so far as the execution of ex parte decrees of the Cand M Station in the mofussil state is concerned.

Sd.

14/11/24 14/11

38) The grievance is that ex parte decrees in question passed by the Courts in each jurisdiction is not executed by the Courts in the other Courts from it must be seen from the note of Mr. M. Rama chandra Rao Pantulu, that since 1914 the respective Courts which court has by its decisions refused to execute such decrees passed by the Civil Courts. Even the British Resident since assuming in 1921, as stated by Mr Rama-chandra Rao, that he would not allow such ex parte decrees of respective Courts to be executed within his jurisdiction.

So the fact that in 1918 & 1919 nine ex parte decrees were executed without complaint does not necessarily mean that this can be claimed to be

executed. Execution was perhaps not objected to by the judgment debtors or probably they submitted to the jurisdiction of the Executing Court without demur.

So legislation seems to be necessary on either side.

Serial No.

4196/23

20
16/11

1st member

8A
17.11

16
17.11

LL Secretary will discuss the matter in person.

Mr
22/11

8A
24.11

16
24.11

Submitted.

As represented in person, the case is fully noted & my opinion is given, Submitted for orders.

1st member

8A
7.4.

16
7.4

176
8.4

(16) I am not able to agree with the learned Govt Pleader in the view he has taken in this case. The Appellants must therefore be heard by this Court in person

by
10/4

8A
11.4.

16
11.4

NOTE—Contn. Sheet

General and Revenue Secretariat.

CS File No. 110 of 19 23-24

2120 Jud 820 12 (12

Serial No.

Ref. This file was linked with CS file 271 of 24-25 re the amendment of Section 45 of the British Indian Civil Procedure Code for legalising the practice of British Indian Courts sending Decrees for execution to Courts in Indian States. This has now been separated and renumbered with reference to paragraph (42) above

23/7/25

(44) Sailed the file personally to the members.

(45) Put up a draft, painting and Khaki so long as the law is what it is legislature is re assembled.

18/8

CS 1980

Rec'd from Hon'ble Mr. Hamilton Reading

(46) Sent with a draft

26/8/25

(47) Type the draft as revised-

2/9

(48) Sent with a typed draft as revised. A spare copy of the proceedings will be obtained and sent as enclosure (49) Please bring up. The draft involved - the whole of para 1 being one single sentence, which is not quite intelligible

5/9/25

NOTE—Contn. Sheet

Serial No

Received by the Secy. on 15/9/25 returned by the Asst. Secy. with instructions that the Secretariat Staff should be informed in writing the reasons for delay in submitting the papers for which have been waived by the Hon'ble Member

15/9

109
5.10

50) Draft Subd

LH Secy)

51) Draft revised & submitted for approval vide notes orders

8.10 cwg 5/10

52) I have revised the draft. The draft and please see the modifications made from an earlier draft as revised from time to time. Draft for Dewan's approval is

53) Please submit a clean copy of the draft as revised by the Member.

8.10 cwg 7.10

54) Submitted with a clean draft as revised

55) Draft submitted to the Dewan per orders in para 52

10/10/25 2nd Secy

Dewan

14.10

8.10

57) Issue cwg 14/10

14.10.

cwg 10/10

8.10

12/10

cwg 13/10

DEWAN'S OFFICE,
13. OCT. 1925
No. 2898

NOTE—Contn. Sheet

Serial No

3

To the Secy to the Resident
No. 12al 2 & 6 dt 14-10-25.
Requests to furnish reasons should be
more late trouble the Resident to have the
necessary action taken for an amend-
ment of the law as suggested in Sec

Draft
19/10/26

no reply has yet been received from
the Residency.
Submitted with a reminder for approval or other
orders. It is over 9 months since the reference was made.

24/7.

Ltd Secy

24/7

Dy Secy.

Secy 24.7
Sd 26/7
Secy 26.7

59) Impossible to trace the
precedents

29/7

60) Residency has been reminded Sd 29.7 Secy 29.7
in many cases before. Done Secy 29.7

Issued Pol 108 dt 30/7/26.

From
Secy to the Resident
Letter no 672 dt 5.8.26
States that the Govt of India have been addressed
and that their reply is awaited.
Submit for perusal

61)

1583/918

Ltd Secy

Dy Secy

Secy 7.8

62)

Secy 9.8

Secy 9.8

Secy 7.8

Lies Pol 1118

5 7.8

OFFICE OF THE FIRST MEMBER OF COUNCIL
27 JULY 1926
No. 1023.

Serial No.

From

The Secy to the Govt of India
No 7084
226-1885

Dy 17-8-26.

States that the Govt of India are of opinion that the courts in the Native States and in the Foreign Courts does binds the Subject in view cannot be given effect to only by Special legislation which will be opposed to the general principles laid down in the Indian Evidence Act and ends that there is no practical remedy for the difficulties alluded to

63) Submd for orders

E&C
26/8/26.

64) The matter must be dropped, under the circumstances there was not much chance of success as originally pointed out, but the question was taken up as there was a resolution in the Legislative Council & agitation in the Representative Assembly.

Secy) Kind attention is invited to Flag C in 2578 Cag

65) The Hon'ble the Foreign Secy exhaustively dealt with this question in my note of 23rd Novr 1923 (Flag C) in which (para 9 & 14 supra) I showed that the proposal contravenes a settled principle of International law.

NOTE—Contn. Sheet

8611

WD 01264—GPB—40,000—17-12-25
[App. F. III.—2

al and venue Secretariat | C5 File No. 110 of 1923

DEWAN'S OFFICE.
Received on
28. AUG. 1926
Reg. No 1541

Serial No

2312
27.8.

66) The Govt of India have stated the same principle & refused to accept the proposal.

67) The matter may be dropped.

1st member.

26.8.

cag
26/8

68) I agree
Lee
27/8

28/8

69) For kind perusal.

Dewan.

28/8
25/8
28
28.8

29.8.26

30/8 cag 30/8

Secy

70) This may be sent to the Office of the Legislative Assembly for noting the disposal in connection with Mr. M. Ramachandra Rao and the RA subject No 5.

71) This for orders if any order on the point or letter mover is necessary.

29/8 29/8/26

No reply appears to be necessary.

Dy Secy

1st Asst

72) A reply may perhaps be sent.

73) No reply. Question raised in the Assembly. Again an answer may be given. Mr. R. Rao may be informed in person.

29/8 cag 29/8

30/8 30/8

2662/29

OFFICE OF THE SECRETARY
7. SEP. 1926
REPRESENTATIVE ASSEMBLY
LEGISLATIVE COUNCIL

Note—Contn. Sheet

Sub.

The resolution of Mr. M. Rama Chandra Rao refers to the meeting of the Legislative Council held in April 1923 long before this office was formed. It is for orders if the informal intimation to Mr. M. R. Rao may not be sent from the Prot.n Branch itself.

Subd.

7/9.

7.9.26

Secy/ Please find out who Mr. M. Rama Rao is — Is it Mr. Ramachandra Rao. Ramachandra Rao Affairs the member

orders are that the L.C. Member needs must now withdraw as it is not in-formed

No. 21
R. A.
L. C.
E. C.

8/9/26
P

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

74 To the P.A. to the Fin. Member
for kindly taking orders of the
Member and for returning the
file.

RR
8.9.26.

75 Member's idea is that
Mr. Ramachandra Rao informally
may be informed of this
by either the L & L Secy or
the R.A. & L.C. Secy: when
the R.A. Member at any
time comes to the Secty.

RR
8.9.26.

76 Submd for perusal and orders.
RR
8.9.26

77 For perusal
RR
For L & L Secy (Offg) 13/9
Comptr.

76 After orders from
L & L Secy., Mr. Patel
(Opposition Party) may happen to come by
RR
13/9

77 may be sent back to the
Office of the Secy R.A. & L.C.
8/9
14-9
aug
14-9

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

WD 2296—GPB—5,000—21-8-24

Mr. Ramachandra Rao
RR
13/9
(the Prot. Br.)

WD 01229—GPB 37,500—1-9-26

General and Revenue Secretariat

C8 File No. 1110 of 1923-4.

Serial No.	
	Submitted for perusal - Reference para 7.3 above
	The papers will now be received & applied - yes Aug 17.
	16/8/26
	16/8/26
	25/8/26

Resolution re execution of ex-parte decrees against non-residents passed by outside courts.

Mr. M. Ramachandra Rao:-

IV. RESOLUTIONS.

Sir,

I beg to move,

"That this Council recommends to Government that as according to the existing law, ex-parte decrees against non-resident Mysore subjects passed by the Courts of British India and of the C. & M. Station, Bangalore, are not executable in the Mysore State and also as ex-parte decrees passed by Mysore Courts against non-resident - British Indian subjects and subjects of the C. & M. Station, Bangalore, are not executable outside the Mysore State, necessary steps be taken by legislation or otherwise to rectify the existing law so that the inconvenience and hardship which people are now put to may be removed at an early date."

Press - must be thick type.

103

This resolution deals with a minor but important branch of a wide and complicated subject in law in respect of which well-known text-writers and eminent judges have expressed - divergent views. I propose to confine my remarks to the law which directly touches the Resolution and which concerns us most at the present time, and endeavour to point out the great urgency that has now arisen for speedily arriving at some satisfactory reciprocal arrangements between the Government of India and our State in the matter of mutual execution of ex-parte decrees passed by courts within their respective territories.

Up to the time of the Rendition, the Courts in Mysore derived their authority from the Governor-General in Council and decrees of Mysore Courts were executable in British - India by operation of Section 229 of the Code of Civil - Procedure, Act X of 1877. Under the Chief Commissioner's Notification No. 112 dated the 23rd July 1878, it was declared that all the decrees of any Court established in British India

India which could not be executed within the jurisdiction of the Court by which they were made, might be executed in Mysore in manner provided by Sections 223-228 of the Code of Civil Procedure (Act X of 1877) which had been introduced into the Territories of Mysore under the Notification of the Government of India, Foreign Department No. 47 J. dated the 27th May 1878. After the Rendition, the Courts of Mysore ceased to derive their authority from the Governor - General in Council and hence Notification No. 233, I - J dated the 25th November 1881 was issued by the Government of India under Section 434 of the Code of Civil Procedure declaring that decrees of the Civil and Revenue Courts of Mysore may be executed in British India as if they had been made by the Courts of British India. Since the Chief Commissioner's Notification No. 112 continued to be in force in Mysore by virtue of Article 19 of the Instrument of Transfer, the decrees of the Courts of British India were executable in the territories of Mysore even subsequent to the Rendition. When Act XIV of 1882 was introduced into Mysore by Regulation II of 1884, for Section 229 of the British Indian Code a new section was substituted which provided that decrees of any court in British India which could not be executed within the jurisdiction of any court within the territories of Mysore. By Regulation VI of 1904, section 229 was further amended and decrees of any Civil or Revenue Court in British India or of any Civil or Revenue Court established by the Governor-General of India in Council in the Territories of Mysore or in the Territories of any foreign Prince or State which could not be executed within the jurisdiction of the Court by which they were made, became executable in the manner provided by Regulation II of 1884 within the jurisdiction of any Civil Court or of any Revenue Court specially directed by the Government in this behalf in the Territories of Mysore. The same provision is reproduced

by which they were made might be executed in the manner provided in the Regulation

reproduced in Section 43 of the present Civil Procedure Code, Regulation III of 1911. The schedule attached to the New Mysore Treaty of 1913 shows that the Chief Commissioner's Notification No. 112 still continues to be in force in the Mysore State.

In 1894, the Privy Council authoritatively laid down in the Faridkot Case, (22 Cal. 222) that in a personal action, a decree pronounced by a Court of a Foreign State in absentem, the absent party not having submitted himself to its authority and not owing allegiance to that State was by private international Law a nullity. In 1916 the Bombay High Court (in 40. Bom. 551) held, following the Faridkot Case, that a personal decree for money passed ex-parte by the Shimoga Court against a British Indian Subject of Bagalkot who had been served with summons through the Bagalkot Court but failed to appear was a nullity and could not be executed in the Bombay Presidency. In 1914 the Madras High Court (in 39 Mad. 24) expressed a similar view in respect of an application for execution in the Madras Presidency of an ex-parte decree passed under similar circumstances against a British Indian Subject by a court in the Cochin State. Between 1914 and 1917, the Mysore Chief Court following these decisions held in three cases viz., 20 M.C.C.R. 214, 22 M.C.C.R 186 and 22 M.C.C.R.188, that decrees in personal actions passed ex-parte by courts of the Madras Presidency against Mysore Subjects who had not submitted themselves to the jurisdiction of those courts were nullities and hence incapable of execution in Mysore. The same principle was extended to an ex-parte order for costs passed by the Bombay High Court as between a Solicitor and his client (a Mysore Subject) under Rule 815 of the High Court Rules and it was held in 23 M.C.C. 247 that the said order could not be treated by the Mysore Courts as a decree capable of execution. Again in 1918, the Mysore Chief Court held in 23 M.C.C.R 299 that an ex-parte decree passed

by the District Judge of the C & M. Station, Bangalore against a Mysore Subject who was a resident of Kunigal and who had not submitted himself to the jurisdiction of the decree court, was a nullity and could not be executed in the Mysore territory. After this decision, the Courts of the Civil and Military Station, Bangalore, have been refusing execution of decrees of Mysore Courts passed ex-parte - against inhabitants of that Station who did not submit - themselves to the jurisdiction of the Mysore Courts. In a decision passed in Second Appeal No. 1 of 1920, in October 1921, the present Judicial Commissioner of Coorg, following the Faridkot Case and citing with approval the decision of our Chief Court in 23 M.C.C.R. 299, held that an ex-parte decree passed by a Mysore Court against a British Indian subject of Coorg was a nullity and could not be executed in the Coorg Courts. In the face of these judicial pronouncements of the highest tribunals it becomes unnecessary to discuss whether at the time when the Government Notifications referred to were issued, such a state of things was in the contemplation of either the Government of India or our Government.

According to the definition given in the Code of Civil Procedure, Regulation III of 1911, the Courts of British India and of the C & M. Station, Bangalore, are foreign courts and the judgments passed by them are foreign judgments. Foreign judgments may be of two kinds, either in rem or in personam. The present Resolution relates only to foreign judgments in personam. A foreign judgment in personam may be enforced in Mysore either by execution or by a fresh suit. The results deducible from the decision quoted by me are:- (1) Ex-parte decrees in actions in - personam passed by Mysore Courts against British Indian Subjects and subjects of the C & M. Station, Bangalore, who do not submit themselves to the jurisdiction of Mysore

Courts

Courts are treated as nullities outside Mysore and are incapable of enforcement; (2) Ex-parte decrees in actions in personam passed by foreign courts against Mysore subjects who do not subject themselves to the jurisdiction of the decree courts are treated as nullities by the Mysore Courts and are incapable of enforcement in Mysore either by execution or by fresh suit. These results are in perfect accordance with the principles of Private International Law - enunciated in the Faridkot Case.

So, a judgment creditor who obtains an ex-parte decree against a defendant who does not submit himself to the jurisdiction of the court rendering the decree, would have to institute a fresh suit on the original cause of action in the court within whose jurisdiction the defendant may reside. By this, the judgment-creditor will be put to not only a double expense but also the inconvenience and worry in conducting litigation in two entirely different territories. For want of reciprocity in the matter of execution of such ex-parte decrees, commercial intercourse between the people of Mysore and those of British India has of late become very risky and difficult. If a Mysore subject goes outside, incurs liability, returns to Mysore without satisfying those liabilities and subsequently fails to submit himself to the jurisdiction of the foreign court when he is sued therein in respect of the liabilities so incurred, the judgment - creditor in such a suit will practically go without a remedy unless he puts himself to the expense of going over to Mysore and proceeding against his debtor in the Mysore Courts on the original cause of action by means of a suit over again. If the cause of action has accrued or liability incurred outside Mysore there may be great difficulty in the matter of adducing evidence when the creditor is forced to resort to a local court which very often is situate far away ~~of~~

from the place of the accrual of the cause of action or of the incurring of liability. In a converse case, a Mysore subject would be labouring under a similar disadvantage. The disadvantage will become very patent when we consider of a case of this kind. Suppose, a foreign subject comes to Mysore, incurs a joint liability there along with a Mysore subject, withdraws himself from Mysore before proceedings are taken in the local courts and subsequently fails to submit himself to the jurisdiction of the local courts when sued along with the Mysore subject, then in such a case the creditor has no option but to institute two suits, one in the local courts to enforce the liability of the Mysore subject and another in the foreign court within whose jurisdiction the foreign subject may reside in order to enforce his claim against the foreign subject also. Such a course is unavoidable if the creditor is desirous of having his claim made fit for enforcement against both his debtors. In a converse case a foreign creditor will also be in the same predicament as the Mysore creditor. All these disadvantages exist only in the case of decrees passed in absentem and when the defendant does not submit himself to the jurisdiction of the court which renders the decree. Since 1917, a knowledge of the inefficacy of foreign judgments in personal actions passed in absentem if the defendant does not submit himself to the jurisdiction of the courts in which the action is instituted, has spread so largely among the people that it has become a matter of common occurrence both here and outside for defendants wantonly to keep away from the foreign courts and thereby avoid the consequences of adverse judgments. I venture to think that surely it must be possible for the Legislatures of British India and of Mysore to - remove this anomalous state of the law which is prejudicial to both the Mysore and the British Indian subjects in their mutual dealings. I submit that the best course for us would be to prepare a Bill for the purpose of removing this anomaly and and

and send a representation to the Government of India that the Bill would be passed provided a reciprocal measure is introduced into British India through the ~~Imperial~~ Indian Legislature. The anomaly is felt all the keener as between the territories of Mysore and those of the C & M. Station, Bangalore, because the intercourse between the Mysore subjects and the inhabitants of the C & M. Station has necessarily to be so frequent and common. Without resorting to a legislative enactment the Governor-General in Council has perhaps power as stated in Ilbert's Government of India (3rd Edition) at page 419 under the Indian (Foreign Jurisdiction) Order in Council, 1902, to take action in respect of the necessary reciprocal arrangement in the C & M. Station, Bangalore.

So far as the law in England is concerned, Dicey, in his 'Conflict of Laws' (3rd Edition) at page 429, says that a foreign judgment has no direct operation, i.e. cannot be enforced in England by execution. The only way to enforce a foreign judgment in England is by bringing an action on such judgment. As set out in Rules 116 and 117 of the same book, in the case of judgments for debt, damages or costs passed by a Superior Court in any part of the United Kingdom, a system of registration in a superior court of any other part of the United Kingdom is prescribed under the Judgments Extension Act, 1868 (31 & 32 Vict. C.54) whereby the judgments are rendered effectual and capable of enforcement by execution. The Inferior Courts Judgments Extension Act 1882 (45 & 46.Vict C.31) extended the judgments of Inferior Courts, e.g. County Courts or Civil Bill Courts in one part of the United Kingdom, to other parts of the United Kingdom by provisions analogous to those of the Judgments Extension Act. It seems that in the Imperial Conference of 1911, proposals for arrangements for the mutual enforcement of judgments and arbitration awards through-out the British Empire were brought forward and as a result, the Administration of Justice Act 1920 (10 & 11 Geo. 5.C.81) was passed in England whereby it was made possible for

judgments for payment of a sum of money of a superior court in any part of the British Dominions to be registered in any ~~part of the~~ Superior Court of the United Kingdom and thereby rendered effectual for enforcement by execution. Dicey observes at page 464 of his book as follows:- " A point of some obscurity is presented by para (c) of the proviso to the Rule 117 which corresponds to Section 9 Clause 2(c) of the said Act. It appears that ordinary residence or carrying on business within the jurisdiction of the Court or agreement to submit to its jurisdiction is a ground for the exercise of jurisdiction unless the defendant " was not duly served with the process of the Court and did not appear." Due service here can hardly mean service within the jurisdiction which would often be impossible in the case of a mere agreement to accept the jurisdiction and the right of an oversea Court to exercise jurisdiction - against an absent defendant on the ground of ordinary residence or carrying on business appears thus to be conceded".

In my humble opinion, both sections 13 and 43 of our Civil Procedure Code require amendment in view of the remarks made. Section 43 deals with execution of foreign decrees. It has been decided by both the Madras High Court and the Mysore Chief Court that this section was merely intended to alter the procedure by which foreign decrees could have effect given to them and that it does not preclude the executing court from ascertaining whether the foreign court had jurisdiction to pass the decree and from refusing execution if it finds that the foreign court had no jurisdiction to pass the decree. It has been further laid down by authoritative decisions that an executing court is competent to consider any of the invalidating grounds mentioned in section 13 of the Code whenever a foreign decree is sought to be executed in Mysore. Section 13 of the Code deals with only judgments in personam. In respect of section 43 it will do

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if an explanation is added thereto to the following effect:- " For purposes of execution under this section, a decree passed ex-parte in a personal action by any of the Courts specified in the section against a subject of Mysore who has not submitted to the jurisdiction of such court shall not be deemed to be an invalid decree ". In respect of section 13 a proviso has to be added to the following effect, viz:- " Provided that if the foreign judgment is a judgment of any Civil court in British India or of any Court established by the Governor-General of India in Council in Mysore or in the territories of any Foreign Prince or State, passed ex-parte against a subject of Mysore, it shall not be deemed to be invalid by reason of the defendant not having submitted to the jurisdiction of such court." These amendments appear to my mind to be sufficient for the present to meet the situation brought about by the case-law under discussion

I understand that in 1920 the District Judge of the C & Station, Bangalore, moved in the matter of securing reciprocity, that a reference had been made to the Durbar by the Hon'ble the British Resident and that our Government expresse their readiness to undertake legislation provided the Government of India would do the same. Since then, the evil effects of the anomaly have been growing in intensity.

From what I have stated, it becomes clear that the simple machinery which was provided by the notifications referred to previously and which until recently was understood to confer power on courts both in and outside Mysore for the mutual execution of all decrees whether passed ex-parte or otherwise has been found to be defective in certain respects, that a knowledge of the defective character of that machinery has led to a wilful evasion of the ordinary course of justice and that in the interests of the people of both British India and Mysore it is highly -

ecessary

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necessary that some new machinery for the mutual enforcement by execution of ex-parte decrees should be brought into existence without any further loss of time. With these remarks, I earnestly commend the resolution for acceptance by the House.

Bangalore.
16-4-1923.
NS/

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Mr. G. Paramasiviah.

During the course of the discussion, the case of the judgment-debtor seems to have been left out of consideration altogether. Let us take into consideration the position of the judgment-debtor. If there were to be any change in the case-law, it will encourage ~~people~~ unscrupulous creditors to obtain decrees behind the back of ~~the man and even~~ the judgment-debtor without giving ~~him~~ them any chance of defending, ~~and~~ he says. many people resort to it with a view to force the judgment-debtor to come to terms as dictated by the decree-holder. I think, ~~when the case-law is quite clear on the point~~, it is not ~~reasonable~~ advisable to interfere ~~in~~ with the operation of the case-law as it exists now, ~~and as I have already stated, it will be a great hardship on the judgment-debtor and the parties~~, ~~when they~~ when the parties are fully aware that such decrees are null and void, why should they undertake the risk of obtaining such decrees? ~~which are merely paper-decrees, as exists now~~? ~~I think~~ The resolution which has been brought forward undoubtedly works as involves great hardship on the judgment-debtor. His interest must ~~also~~ be equally safeguarded as ~~the interest~~ that of the creditor; ~~and as we know creditors will always have a better chance over judgment-debtor; for the judgment-debtor will always be under disadvantage~~. For the ~~On account of the~~ reasons ~~that I have stated~~, I strongly oppose the motion.

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Mr. B.V. Ramaswami Chetty.

The mover of this resolution Mr. M. Ramachandra Rao has unfortunately lost sight of the fact that in discussing this matter, it was his duty to have considered the subject in all its aspects. He has judged the matter from the standpoint of view of the creditors -decree-holders only. From the stand-point of view of the debtors also the case has to be considered, argued and settled.

As it is, suits can be filed either in the place where the cause of action arose or in the court within whose jurisdiction ~~of the court where~~ the defendant is residing. ~~Now~~ it is a fact that judgments passed ex-parte by a foreign courts will be considered to be a nullity, as the decree is not obtained against a person, who has ~~not~~ submitted himself in any way to the jurisdiction of that court. -suit brought against a person who is absent- It may be British India or French territory. The court in which the suit is brought has no jurisdiction. The creditor ~~can~~ conveniently files a suit in the place where the cause of action arose and he ~~may~~ likes to get a decree against the [illegible] to recover the money from him. He does not want the defendant to take objection to the jurisdiction of the court that passed the decree. The defendant may be in Bombay, Calcutta, Lahore or any other place. It is

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because he wants to cause inconvenience to the defendant and obtain a decree easily. It may be that the defendant is ignorant of law. I submit that the learned mover has not considered this aspect of the case. According to international law, the defendant has got the option of not subjecting himself to the jurisdiction of acourt ~~if the suit is filed in a court outside the~~ jurisdiction ~~of the court~~ in which he is living. If he does not go and subject himself, the decree obtained against him will be decree in absentum ~~It will be~~ an absolute nullity. Now, the same procedure is followed in all the High Courts in India. It cannot be said that in British India, in Western countries and the French territories this change is to be brought ~~forth~~. We have got international law and what about the foreign Governments, Pondicherry, Goa &c.. To give an instance, a decree was passed here and it was transferred to the French court in Pondicherry for execution. Objection was taken to the execution on the ground the decree was an absolute nullity, because the defendant had not gone to the court in which the suit was instituted and subjected himself to the jurisdiction of the court.

~~Now~~ The mover wants the law to be ~~changed~~ on the ground that inconvenience ~~will be~~ is being caused to the creditor. It is objectionable to change the law, and the judgment-debtor's interest should also be looked to. ~~Now~~ the mover justifies asking for a change on the

The case should be discussed in all its aspects. ~~On these grounds,~~ It is not proper fair and reasonable to bring about a change in the law. ~~And then~~, It ~~is~~ being a matter of international law ~~and as~~ such a change ~~is~~ must ~~to~~ be brought about by ~~in the international law~~, ~~in~~ the British, French, Portugese and all other civilised Governments, ~~so~~ that means all the nations must be consulted in the matter. It is not so easy to do it. The present system is in force from a long time in the British territory and I dare say there are as good lawyers and legislators there as in our State. How is it that the necessity for the change has not struck them? On account of the reasons which I hav assigned, such a change would be most prejudicial to the defendant. We should not therefore ask the Government to commit itself and make a move in the matter. If the Government wants to oblige the mover, ~~Go~~ it ~~vernment~~ must undertake to correspond with the British Government and the British Government must correspond with the French and other Governments and then only a change is possible. Therefore it is least necessary to make any move in the matter. So, I oppose the motion.

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Rao Bahadur Mr. M.C. Rangiengar.

I only wish to say a word or two and I shall not be long. On principle, this is objectionable, as the subjects of the Mysore State ~~should~~ will be left to the tender mercies of foreign ~~governments and similarly vice-versa~~ Courts, and the British Indian subjects to those of the Mysore Courts.

Regarding the inconvenience, we have got to see that one of the parties must be put to inconvenience. A man of Ambala, if he wants to file a suit in Mysore, will be put to some difficulty. The defendant has got the same difficulty, ~~by~~ in making an application to the Ambala court if he has got to subject himself to the Ambala court. Of the two, which is the one that demands our sympathy? The defendant is on the defensive and the plaintiff is the man who embarks on litigation ~~is interested in the transaction~~ with his ~~and~~ knowledge of the law as it obtains in India ~~or~~ and in Mysore. With this knowledge, he enters into the transaction. ~~and it is easy for him to file a suit.~~ He has got to go to the Court within whose jurisdiction the defendant resides ~~Mysore~~ anyhow for the execution of the dreree. So, once for all he may go ~~to Mysore~~ there and file a siut against the defendant instead of obtaining ex-parte decree in the foreign court in the first instance. ~~at Ambala. The plaintiff has got to come here any way and he has got to put up with some inconvenience~~. If the defendant is obliged to go to the remote corner of British India to set aside ~~the decree~~ a decree it will work a great hardship upon him, ~~it is~~ not right that he should be subjected to ~~the~~

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~~Second Member.~~

Mr. Mir Hamza Husain:-Mr. Ramachandra Rao has, in his able speech, dealt with the obstruse and difficult question of international law, and I do not like to take up the time of the House by giving you an exposition of the law on the subject which has been so ably ~~spoken~~ discussed by the Members.

The proposition moved by Mr. Ramachandra Rao contemplates two classes of cases -one is ex-parte decrees passed in the Civil & Military Station and the other is decrees passed in British India outside the military station.

Now, so far as the Civil & Military Station is concerned, I do naturally sympathise with Mr. Ramachandra Rao and the argument put forward by him that Civil and Military Station and city form ~~part of one~~ really one ~~and the same~~ city and that a decree passed ~~here by one court will~~ in any of the Courts in the City shall be ~~enforceable~~ executable in any court in the other jurisdiction, has much force.

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Mr. Ramachandra Rao has stated in hisspeech that a certain reference was made by this Government to the British Government on the subject. I will examine it and see whether any further correspondence is possible on the subject.

As regards the wider subject, namely, of executing the decrees passed in British India, in our State, I think it is out of question to approach the Indian legislature.

It is fundamentally against the principles of jurisprudence that the ex-parte decrees passed in a court should be executable in a foreign court. Whether that principle of jurisprudence is based in the interests of the creditors or the detors, it is not neces sary for our purpose to consider. ~~It is a fact that it is a well-established principle of jurisprudence~~ and it is not likely that ~~it~~ principle of jurisprudence will be altered by the Indian legislature This is all I have to say on the subject, ~~and I~~ quite sympathise with the mover, but I think we cannot give any definite promise on the subject.

Mr.M. Ramachandra Rao. 16

I have got only a f[illegible]s to say by of -ply. Mr. Vijayadeva is not right in thinking that the question has any political charecter about it or that there is any delicacy involved in taking action on it. With regard to the -- arguments advanced by messrs. Ramaswami Chetty and Paramasiviah, all that I wish to state is that there was no difficulty whatever in the matter of execution of ex-parte decrees both here and in British India until 1917, that a decision passed in our Chief Court in that year was the origin of the trouble in our State and that a debtor in an ex-parte decree for whom so much sympathy is now shown was not immune from liability till then.

Second Member:

What about your decrees ?

Mr. M. Ramachandra Rao.

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Our Ex-parte decrees werebeing executed outside the State until 1917. It was the decision of the Bombay High Court that put a stop to that practice. I do not think that the arguments put forward by my friends who opposed the resolution are tenable.

My only object is to see that the facility which existed in the matter of mutual execution of ex-parte decrees prior to 1917 is restored as early as possible. One way of doing it is suggested in the Faridcot case. Their Lordships of the Privy Council say thereim that it is possible by Special Local Legislation

DEWAN:

Do you wish this resolution to be put to vote?

There are conflicting views regarding merits of the proposition. So, we cannot accept it. Here, the position is one that meets with many difficulties.

Mr. M.RAMACHANDRA RA

May I request the Government to consid the point and examine it?

DEWAN:

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So far as reciprocity between Mysore ar the Civil & the Military Station is concerne the Member has given an assurance that he wi examine the case with reference to the corre ponder

that you have referred to in (the mover's) speec
As regards the larger question, it is one that
is full of difficulties and I do not think it
is possible for Government to accept the reso-
lution.

Mr. M. RAMACHANDRA RAO.

Then I beg leave to withdraw.

Rajasabhabhushana Dewan Bahadur
Mr. K.P. PUTTANNA CHETTY.

The commercial and trade relations betwee
the City and Civil & Military Station are very
intimate. There is only one jurisdiction wit
two names.

DEWAN:

There are two questions involved - the
first relates to two parts of one City under tw
administrations and the second relates to two
administrations or governments ~~unconnected~~ and unconnected
territorially apart with each other. The Mem-
ber has promised to look into the point furthe

CB 110 - 23 - 1

To

The Secretary to the Resident.

H. No. 269
& Enc
D. 17/9/24.
Sd - M. V. B. Rogerson.

I am directed to invite reference to the correspondence ending with your office Memo No.11365 dated 18th December 1920 re. execution of exparte decrees and to address you for a reconsideration of the question of reciprocity in the execution of such decrees between the Mysore State and the Civil and Military Station, Bangalore. The necessity for this reference has arisen owing to representations made both in the Representative Assembly and the Legislative Council of this State about the inconvenience felt by His Highness' subjects in getting exparte decrees passed by the Courts in Mysore, executed in the C & M Station, Bangalore.

~~As regards reciprocity in the execution of decrees between Mysore and British India~~ the Chief Commissioners' Notification No.112 dated 23-7-1878 provided for execution of decrees of British India, in Mysore and the Govt. of India Notification No.233 dated 25-11-1881 provided for execution of the decrees of Civil Courts of Mysore, in British India. Under Govt. of India Notification No 1652 dated 13th April 1887 provision was made for the execution of decrees passed by courts in Mysore, in C & M Station. Till the year 1917, no objection seems to have been raised to the reciprocal execution of exparte decrees passed against a non-resident foreigner in absentum in the courts in Mysore and C & M Station, when owing to the decisions of the

Mysore Chief Court and the District court of C & M. Station, this question came into prominence and ever since, the exparte decrees passed in one jurisdiction are not executed by the Courts in the other jurisdiction.

In this connection I cannot do better t than invite your attention to the ~~lucid and elaborate~~ exposition of the subject in all its aspects by the District Judge of the C & M. Station in his letter No. 3447 dated the 18th December 1919 addressed to the First Assistant to the Resident, a copy of which is enclosed for ready reference. The ~~inexpediency of the present arrangement, the resulting inconvenience, dilatoriness and expense~~ are keenly felt by the subjects of ~~C & M also~~, especially when C & M Station is a part of Mysore territory and when the Courts in either jurisdiction were not considered foreign courts ~~and the exparte decrees passed by these courts were freely executed in other courts~~ till recently. This disadvantage can, it appears to the Govt. be removed by arriving at a reciprocal arrangement between the Mysore State and the C & M. Station for the execution of exparte decrees passed by courts of one jurisdiction by the courts in the other jurisdiction. His Highness' Government areprepared to undertake legislation in the matter, if the Governor General in Council be pleased to suitably alter the law as proposed by the District Judge.

In view of these considerations, I am

to request you to be so good as to move the Hon'ble the Resident to reconsider the question and approach the Governor General in Council in thismatter.

I have etc.

10/9

Secy. to Govt., L.L.Depts.

Pol No. 587

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

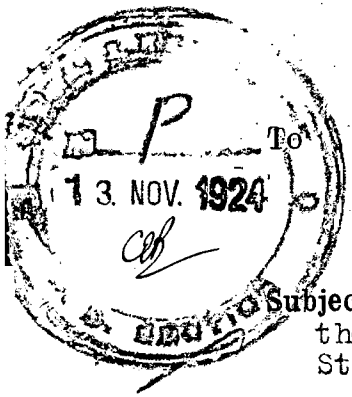
No 8982 Enclos. 726-1885. Dated Bangalore, 13 Novr. 1924.

P 2120

From

A. N. L. Cater, Esq., I.C.S., CB 110-23-2

SECRETARY TO THE RESIDENT IN MYSORE.



To

The Secretary to the Government of Mysore,
Local & Legislative Departments.

Subject :— Execution of exparte decrees passed in the Mysore State and the Civil & Military Station of Bangalore.

Sir,

In reply to your letter No. Pol.269, dated the 17th September 1924, I am directed to state that it has been ascertained that in the years 1918 and 1919 nine exparte decrees of the Mysore Courts were executed by the District Court of the Civil & Military Station of Bangalore in each year and that there is nothing on record to show whether any complaints had been received of an abuse of jurisdiction of the Courts. I am to enquire whether the Mysore Government think in the circumstances that it

is worth while for them and the Government of India to undertake the special legislation which the proposal would render necessary.

I have the honour to be,
Sir,
Your most obedient servant,

H Carter

SECRETARY TO THE RESIDENT.

No Pol. 286 & 14 10/25

General and Revenue Secretariat.

No 110-23-3. Bangalore, 3rd October 1925.

To

The Secretary to the Hon'ble
the Resident in Mysore.

Sir,

With reference to your letter No. 8982/726-1885 dated the 13th November 1924, re the execution of ex-parte decrees passed in the Mysore State and the Civil and Military Station, Bangalore, I am directed to state that at the meeting of the Mysore Legislative Council held in April 1923, a resolution on the point was moved by Mr.M.Ramachandra Rao (who is an Advocate of the Court of the Hon'ble Resident in Mysore and the Court of the Judicial Commissioner of Coorg); and it was urged by him in support of the resolution that after the decision in Abdul Razack Vs. Seeniah reported in 23, Mysore Chief Court Reports, page 299, the Courts in the Civil and Military Station, Bangalore and the Court of the Judicial Commissioner of Coorg had been refusing the execution of ex-parte decrees passed by Mysore Courts against persons who are not Mysore subjects and who did not submit themselves to the jurisdiction of the Mysore Courts. He emphasised further that the anomaly was felt all the keener as between the C & M Station, Bangalore and the rest of Mysore, because the intercourse between the inhabitants therein was necessarily so frequent and common. A copy of the

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the proceedings ~~of the Assembly~~ containing the discussions of the Council on the resolution is herewith enclosed for reference.

2. Government have no information as to the fact of refusal by the Courts in the C & M Station to execute ex-parte decrees of Mysore Courts passed in absentum against a non-resident foreigner as stated by Mr.M. Ramachandra Rao. But if the facts are as stated by him and if the Courts of the C & M Station decline to execute such decrees, under the existing practice and interpretation of law, it will be necessary to have the matter placed on a proper basis by legislation. I am therefore to request you to move the Hon'ble the British Resident to have the necessary action taken for an amendment of the law, as suggested in my letter No.Pol.269 dated 17-9-1924 on the subject.

I have, etc.,

Secretary to Govt.,
L.L.Deptts.

KNN

0649?

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726

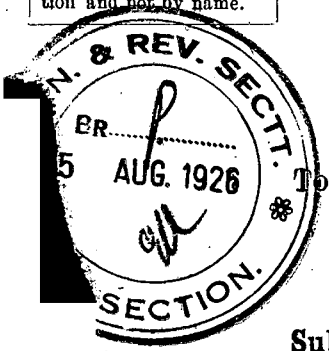
All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 722 ENCLOS. *Dated Bangalore,* August 192 6.
726-1885.

Pol. 142

FROM

Major K.A.G. Evans Gordon,
SECRETARY TO THE RESIDENT IN MYSORE.



To

The Secretary to the Government of Mysore,
Local & Legislative Departments.

Subject :—

Execution of exparte decrees passed in the Mysore State and the Civil & Military Station of Bangalore.

SIR,

With reference to your letter No. Pol.108/Cts., dated the 30th July 1926, I am directed to say that the Government of India have been addressed and that their reply is awaited.

I have the honour to be,
Sir,
Your most obedient servant,

Evans-Gordon

Major,
SECRETARY TO THE RESIDENT.

PN

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29 861 P 926

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 7084 ENC.
726-1885.

FROM

Major K. A. G. Evans Gordon,
SECRETARY TO THE RESIDENT IN MYSORE.

Pol. 197

To

The Secretary to the Government of Mysore,
Local and Legislative Departments.

Dated Bangalore, 17th August *1926.*

Subject.

Execution of ex parte decrees passed in the Mysore State and the Civil & Military Station of Bangalore.

CB 110-23-4

SIR,

With reference to the correspondence ending with your letter No. Pol.286/Cts.110-23-3, dated the 14th October 1925, I am directed to state that as a result of a careful consideration of the legal aspects of the position, the Government of India have no doubt that the courts established by the authority of the Governor General in Council in the Civil & Military Station of Bangalore and courts of the Mysore State are "foreign courts" vis a vis one another and that the judgment of a Mysore State Court must be regarded as a "foreign judgment" by a British Court in Bangalore and vice versa. The Government of India state that it follows that the object which the Mysore Government have in view could only be given effect to by legislation and further that such legislation would have to take the form of an enactment by each Government concerned to the effect that its courts shall be bound to execute the decrees of foreign courts upon proof that such a decree has been made, and that they shall not have power to question, on the ground that the decree was ex parte and that the judgment debtor had not submitted himself to such jurisdic-

tion

jurisdiction, the jurisdiction of the court which made it. They also state that any such legislation would necessarily involve a contravention of the important general principles relating to a decree in a personal action pronounced in absentem by a foreign court, which was stated in the Privy Council judgment in the Faridkot case in 1894, Gurdiyal Sing vs Raja of Faridkot (1 L.R.22 Cal.p.222).

Extract in Box B.

2. The Government of India state that there is no practical remedy for the difficulties alluded to, since the only remedy which could be legally applied would tie the hands and fetter the discretion of the executing court to such an extent as to leave no power for the prevention of possible abuses.

I have the honour to be,

Sir,

Your most obedient servant,

Major.

SECRETARY TO THE RESIDENT.